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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No.

Application Number: 08865841
Filing Date: 5/30/97
Appellant(s): Nielson

For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed July 19,1999.

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-26.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of invention contained in the brief is deficient because the applicant has embellished on the broad statement of the invention as contained in the instant application. The summary of the invention which correctly stated in the application itself on pages 3 and 4 of the specification and is summarized by the examiner as follows:

The invention relates to computer apparatus and systems for information retrieval, provide a list of terms used in search queries presented over a period of time to be selectively added to information stored in information storage. The terms may be added as meta tags to the information stored and an inverted index is updated to reflect the meta tag.

The invention also relates to methods of using search terms used in queries over a period of time for locating documentsor files...

The invention also relates to presenting a user with suggested terms for indexing a document the user created using search terms collected over a period of use of a search engine.

The invention also relates to computer program products for carrying out the techniques of the invention.

The appellant's statement of the issues in the brief is correct.

The rejection of claims 1-26 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and *reasons in support thereof. See 37 CFR 1.192(c)(7)*.

The copy of the appealed claims contained in the Appendix to the brief is correct.

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

U.S. Patent 5,550,971 to Brunner et al.

No new prior art has been applied in this examiner's answer.

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Brunner et al. U.S. Patent 5,550,971. The applicant's seach system is essentially taught by the prior art teaching of a database management system with adaptive user interface as follows.

In claim 1, the applicant's limitations of a bus, information accessible through said bus, a communiations interface, and a processor configured to receive search queries and provide a list of terms used in search queries, are taught by the reference as the user interface with connectors to a keyboard and mouse (See elements 16, 18, and 20 of figure) and the processor of the local/networked computer system (See element 14 of figure 1). The storage and processing of query requests is shown by internal query language processor (element 22) together with the semantic model (element 24). These structural elements are described in more detail on col. 4 line 19 etseq. of the prior art teaching.

In claim 2, the adding of a term or query as a meta-tag is shown by the meta model layer of figure 2 and discussed on col. 5 line 21 et seq.

In claim 3, the limitation of an inverted index is inherent in the teaching of the reference as indexing is well known in the data processing art.

In claim 4, the limitation of a network with users is also taught by the prior art as the networked computer system (element 14 in figure 1) used for database retrieval for various clients as discussed on Col. 4 line 6 et seq.

In claim 5, the adding of a term or query as a meta-tag is shown by the meta model layer of figure 2 and discussed on col. 5 line 21 et seq.

In claim 6, the limitation of an inverted index is inherent in the teaching of the reference as indexing is well known in the data processing art.

In claim 7, the method of enhancing information retrieval has also been essentially shown by the reference as query processing with the meta model which is an abstact description of the various object types and relationships. The frequency of occurrence of an object type is shown by the storage of "instances" of DOT types defined in the model layer (See Figure 3 element 108).

In claims 7-10, the additional limitations of the method of presenting terms to the user with portions of the document would be inherent in the user interface for conveying database retrieved information in various formats to the user (See Col. 5 line 21 et seq.)

In claim 11, the adding of a term or query as a meta-tag is shown by the meta model layer of figure 2 and discussed on col. 5 line 21 et seq.

In claim 12, the limitation of an inverted index is inherent in the teaching of the reference as indexing is well known in the data processing art.

Claims 13-22 are rejected in the analysis of claims 7-12 above and are rejected on that basis.

Claims 23-26 set forth the invention as a computer program product and claim essentially the same features that are set forth in the apparatus and method claims analyzed above. The features of the computer program product to carry out the invention are inherent in the prior art teaching as detailed in the analysis above.

This Examiner's Answer does not contain any new ground of rejection.

Tha applicant's arguments have been considered but are not found persuasive. The claims which have not been amended since the previous action are still seen to be anticipated by the cited prior art. The applicant's remarks argue hindsight interpretation of the claims rather than the apparant broad language of the claims themselves. The applicant argues that search queries are distinguishable from information stored in information storage, but the claims themselves do not make this distinction, neither do the claims interpreted in light of the disclosure make this distinction.

The applicant argues that Brunner does not show or suggest adding any portion of the query to the database. Yet this argument is flawed in view of Brunner's teaching in figure 6 and column 18 line 60 et seq. which describes loading the query into database query language and storing the result (see element 266). It would be apparant from Brunner's use of a database query processor and translator that queries must also be stored to effectively use the database searching tool (See Figure 1).

The applicant's arguments with respect to both independent and dependent claims hinges on the argument that Brunner does not teach adding terms to the database. Yet it is apparant in this teaching as well as from the database art that the database must be updated as taught and that queries are added to inable the translation function as stated above..

The examiner requests the opportunity to present arguments at the oral hearing.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

Art Unit: 2771

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37

CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH

or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within

the time period for reply to the action from which appeal has been taken; or (3) within two

months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time

periods may be granted under 37 CFR 1.136.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

John Gladstone Mills III

September 27, 1999

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